

SENATE BILL REPORT

SB 5205

As Reported by Senate Committee On:
Judiciary, February 04, 2009

Title: An act relating to changing the number of court of appeals judges.

Brief Description: Adding one judge to division two of the court of appeals.

Sponsors: Senators Hargrove, Sheldon, Fraser and Kline; by request of Board For Judicial Administration.

Brief History:

Committee Activity: Judiciary: 2/03/09, 2/04/09 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Hargrove, Kohl-Welles and Tom.

Staff: Juliana Roe (786-7438)

Background: The court of appeals is a non-discretionary appellate court. As such, it must hear all cases filed with the court. The court of appeals hears all appeals from superior court decisions except for those that are appealed directly to the Supreme Court. There are three divisions of the court of appeals, headquartered in Seattle, Tacoma, and Spokane. Each division is further divided into three geographic districts. Each judge is elected by district to a six-year term, must be a resident of the district from which he or she is elected, and must have been admitted to the practice of law in this state for at least five years.

Division II of the court of appeals is located in Tacoma and has a total of seven judge positions allocated, as follows, to three districts:

- three judges in District 1, which consists of Pierce County;
- two judges in District 2, which consists of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties; and
- two judges in District 3, which consists of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Division II of the court of appeals is authorized to increase the number of its judges from seven to eight. The new judge position is allocated to District 2, increasing the number of judge positions for District 2 from two to three.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The court of appeals is an intermediate court. There are 22 court of appeals judges in the state. Division II needs an additional judge because the courts are drowning in cases. The last additional judgeship granted was in 2000. Since that time, the population in Division II has increased by 230,000. A panel spent a year developing criteria by which a division can request an additional judge. This panel is cognizant of the fact that there is no money. However, a great amount of effort was put into this collaboration and the decision was made to request an additional judge without a request for funding. There is precedent for establishing judgeships without funding in the court of appeals. While the court would like to have the position funded, it recognizes that that may not be possible.

Persons Testifying: PRO: Judge C.C. Bridgewater, Washington State Court of Appeals; Mellani McAleenan, Board for Judicial Administration.